IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.512 of 2006 (M/B)

Naseem Ahmed S/o Bundu,
Fair Price Shop Dealer Village Chapur Sherpur
Afganpur, Police Station-Bhagwanpur,
District Haridwar …… Petitioner.

Versus

1. State of Uttaranchal through S.S.P. Haridwar.
2. S.O. Bhagwanpur, District-Haridwar.
3. Shri H.S. Bisht Supply Officer Bhagwanpur,
District –Haridwar. …… Respondents

……

Sri Manish Arora, Advocate for the petitioner.
Sri D. K. Sharma, Government Advocate for respondents no. 1 and 2.

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Manish Arora, Advocate for the petitioner.
Sri D.K. Sharma, Government Advocate for the respondents no. 1 and 2.
They are heard.

2. Petitioner Naseem Ahmed apprehending his arrest in the case registered at Crime No. 62 of 2006 at P.S. Bhagwanpur, district Haridwar for the alleged commission of the offence punishable U/s 3/7 of the Essential Commodities Act and Uttaranchal Anusuchit Vastu Vitaran Order, 2003 has filed this writ petition for the following reliefs:

"(a) issue a writ order or direction in the nature of certiorari as to quash the FIR dated 21.4.2006 of case crime no. 62 of 2006 State versus Naseem U/s 3/7 Essential Commodities Act and Uttaranchal Anusuchit Vastu Vitaran Order 03 police station Bhagwanpur, District- Haridwar (contained as annexure no.1) to this writ petition.

(b) issue a writ order or direction in the nature of mandamus commanding the respondent no. 1 & 2 to not to arrest the petitioners till the filing of the charge sheet in case crime no. 62/2006 State Vs. Naseem U/s 3/7 Essential Commodities Act and Uttaranchal Anusuchit Vastu Vitaran Order 03 police station Bhagwanpur, District- Haridwar (contained as annexure no.1) to this writ petition.

(c) Pass any such other order, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
(d) Award the cost of the petitioner to the petitioners."

3. The allegation against the petitioner is that though he filed 1600 liters of kerosene oil from the depot at Roorkee on 23.03.2006, but the same was not distributed among the villagers. On a complaint by the villagers, the authorities held an enquiry wherein the above allegations were found proved. The authorities, therefore, lodged a report against the petitioner leading to the registration of the case.

4. On due consideration of the submission of the learned counsel for the parties and the contents of the F.I.R. and the other material available before us, we do not find any good ground for interference at this initial stage.

5. It goes without saying that in the event of the petitioner's arrest or his surrender before the Court concerned, his bail application shall be taken up for hearing expeditiously without any undue delay.

6. With the above observation, the writ petition stands disposed of.

(Prafulla C. Pant, J.) 02.05.2006

(Rajeev Gupta, C.J.) 02.05.2006

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